

Probate Court FAQs

The Probate Court
Room 205 Greenwood County Courthouse
528 Monument Street Greenwood, SC 29646.
Phone: 864-942-8625
Fax: 864-942-8620.
Office Hours Monday through Friday 8:30am to 5pm

What estate planning documents should I have?

Everyone should consider having the following estate planning documents:

- Last Will and Testament
- Durable Power of Attorney for business affairs
- Health Care Power of Attorney
- Declaration of a Desire for a Natural Death (Living Will)

In South Carolina, how is the property of a deceased citizen distributed if there is no will?

If a person dies without a will, the law of interstate succession controls probate property. Generally, the property passes in accordance with the deceased's family tree (unless there are non probate transfers).

What are the requirements for having a legal will?

The document must be in writing, signed by a testator who is at least eighteen (18) years old and have two witnesses. You should consult an attorney to prepare your will, and you should NEVER attempt to prepare your own will. Also, if you have a will, you should never alter that document in any way without first consulting an attorney.

What is required for one to apply for a marriage license in this state?

A person must be at least eighteen (18) years of age or have parental consent. The license is normally issued following the mandatory twenty-four (24) hour waiting period once the application is filed and after the fee is paid.

I have a contested case. Can I talk to the judge about it?

A contested case is one where there is animosity or disagreement among the parties about how an estate should be handled. Under the South Carolina rules of court, one party is not allowed to talk with the judge without the other parties being present – this is called the “rule against *ex parte* contacts.” If you are involved in a dispute concerning a Will, Trust, Conservatorship or other matter and the family cannot resolve it privately, you should talk to a lawyer about the matter and retain counsel to represent you. If the disagreement is concerning a relatively minor administrative duty, however, you can talk to the estate supervisor assigned to your case. The estate supervisor may recommend you retain counsel to advise you, however, since this office cannot offer legal advice in contested cases.

Common Terms

Accountings: Reports that contain the annual and final fiscal reports showing receipts and disbursements with date and purpose.

Estate Papers: The original probate papers such as wills, inventories, letters, accountings and related papers.

Probate: The legal process of wrapping up a person's affairs, paying their bills and distributing their assets.

Testator: A person who has made a legally valid will before death.

Will Books: Recorded transcripts of the original probate wills that give information about proving the will and qualifying the personal representative.